

JOHN JERMAINE BECKHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

THIS MATTER is before the Court on consideration of Respondent’s motion to stay the disposition of Petitioner’s § 2255 Motion to Vacate. (Doc. No. 7). Petitioner does not oppose the motion.

In his § 2255 Motion to Vacate, Petitioner challenges his designation as a career offender under § 4B1.2 of the U.S. Sentencing Guidelines Manual, and he relies on the Supreme Court’s decision in United States v. Johnson, 135 S. Ct. 2551 (2015), in which the Court struck down the residual clause of the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), after concluding that it violated due process because it was unconstitutionally vague.

Because resolution of the issues involved in the Beckles case may have a bearing on the disposition of Petitioner's case, and noting consent by Petitioner, the Court will grant Respondent's motion.

IT IS, THEREFORE, ORDERED that Respondent's motion to stay is **GRANTED**, (Doc. No. 7), and Respondent shall have 60-days from the date the Supreme Court renders its decision in *Beckles v. United States* to file a response to Petitioner's § 2255 Motion to Vacate.

SO ORDERED.

Signed: November 14, 2016

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

